THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.22740 of 2007

Date : 30.10.2007

Between:
S. Prakasam

.....

PETITIONER
AND

The Commissioner of Panchayat Raj,
A.P., Hyderabad and others.

.....RESPONDENT

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.22740 of 2007

ORDER: (per Smt. T.Meena Kumari,J)

The petitioner filed the present writ petition seeking a writ of Certiorari to call for the records relating to and connected with the order dated 17.8.2006 in O.A. No. 7039 of 2004 on the file of the A.P. Administrative Tribunal, Hyderabad and to quash the same. He also sought for a consequential direction to the respondents to consider the case of the petitioner for appointment as Junior Assistant with effect from 25.9.1980 and to extend him all consequential benefits.

The brief facts of the case are that the petitioner herein was appointed as Record Assistant on compassionate grounds. He passed Intermediate examination in the year 1978 and was studying B.Sc., at the time of his appointment. Petitioner alleged that though he was eligible to be appointed as Junior Assistant, the respondents appointed him as Record Assistant only. In that regard, he also made several representations to the respondents and when the same were rejected by the respondents, he filed O.A. No. 7039 of 2004 before the Tribunal seeking appropriate directions to the respondents to consider his case for appointment as Junior Assistant. The Tribunal, by the order impugned in this writ petition, dismissed the said O.A. Hence, the present writ petition.

Heard the learned counsel for the parties.

Before the Tribunal, the respondents filed counter stating that at the time of appointment of the petitioner as Record Assistant, there were no vacancies of Junior Assistants and hence he was appointed as Record Assistant.

Admittedly, the petitioner was appointed as Record Assistant in the year 1980 in the existing vacancy on compassionate grounds. The appointment on compassionate ground cannot be a source of recruitment. The object of compassionate appointment is to enable the family to get over sudden financial crisis. Such appointment on compassionate ground, therefore, has to be made in accordance with Rules, Regulations or administrative instructions taking into consideration the financial condition of the family of the deceased. At the time of appointment of the petitioner, only Record Assistant post was available and he was accordingly appointed in the said post. Since the petitioner was appointed on compassionate grounds, he cannot choose a particular post and challenge the appointment. The Tribunal, taking all these aspects into consideration, rightly dismissed the O.A.

In the circumstances, we do not find any illegality or irregularity in the order of the Tribunal warranting interference. The writ petition fails and it is accordingly dismissed. No costs.

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T. MEENA KUMARI,J

DATE: 30th October, 2007

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G. CHANDRAIAH,J

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